

HELEN B. KIM (HK-8757)
KATTEN MUCHIN ROSENMAN LLP
2029 Century Park East, Suite 2600
Los Angeles, CA 90067
Telephone: 310-788-4525
Facsimile: 310-712-8226

PHILIP A. NEMECEK (PN-3319)
KATTEN MUCHIN ROSENMAN LLP
575 Madison Avenue
New York, NY 10022-2585
Telephone: 212-940-8834
Facsimile: 212-940-8776

*Attorneys for Defendant and
Counterclaim Plaintiff Dennis A. Klejna*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
AXIS REINSURANCE COMPANY,	:	Adv. Proc. No. 07-01712 RDD
	:	
Plaintiff,	:	
v.	:	
	:	
PHILLIP R. BENNETT, et al.,	:	
	:	
Defendants.	:	
-----	X	
AXIS REINSURANCE COMPANY,	:	Case No. 07-cv-07924 (GEL)
	:	
Plaintiff,	:	
v.	:	
	:	<i>Electronically Filed</i>
PHILLIP R. BENNETT, et al.,	:	
	:	
Defendants.	:	
-----	X	

**NOTICE OF MOTION AND MOTION OF DEFENDANT AND COUNTERCLAIMS
PLAINTIFF DENNIS A. KLEJNA FOR SUMMARY JUDGMENT DISMISSING THE
COMPLAINT OF AXIS REINSURANCE COMPANY AND FOR ENTRY OF
JUDGMENT IN FAVOR OF KLEJNA ON COUNT I OF HIS COUNTERCLAIMS**

PLEASE TAKE NOTICE that, upon the Declaration of Helen B. Kim, dated March 28,
2008, the Declaration of Ellen Brooks, dated March 27, 2008, the Declaration of Pamela

Sylwestrzak, dated March 27, 2008 and the Memorandum of Law of Defendant Dennis Klejna in Support of Motion for Summary Judgment Dismissing Complaint of Axis Reinsurance Company and for Declaratory Judgment on Counterclaim of Dennis Klejna filed herewith, Defendant and Counterclaim Plaintiff Dennis Klejna, a former officer of Refco Inc. or its direct or indirect subsidiaries, hereby moves for summary judgment, pursuant to Fed. R. Civ. P. 56, for entry of an order dismissing as to him the Complaint of Axis Reinsurance Company in *Axis Reinsurance Co. v. Bennett*, Case No. 07-cv-07924 (GEL), and entering a declaratory judgment on Count I of Mr. Klejna's Counterclaims in *Axis Reinsurance Co. v. Bennett, et al.*, Adv. Proc. No. 07-01712 (RDD).

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b), opposition papers, if any, shall be served on the undersigned within ten business days after service of the motion papers herein.

Dated: March 28, 2008

Respectfully submitted,

HELEN B. KIM (HK-8757)
KATTEN MUCHIN ROSENMAN LLP

/s/ Helen B. Kim
2029 Century Park East, Suite 2600
Los Angeles, CA 90068
Telephone: 310-788-4525
Facsimile: 310-712-8226

PHILIP A. NEMECEK (PN-3319)
KATTEN MUCHIN ROSENMAN LLP
575 Madison Avenue
New York, NY 10022-2585
Telephone: 212-940-8834
Facsimile: 212-940-8776

*Attorneys for Defendant and Counterclaim
Plaintiff Dennis A. Klejna*